IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SIXTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

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WRIT PETITION NO : 17336 of 1992

Between:

Sri Subhash Neemkar S/o. Sri Sharfaji Rao Neemkar
R/o. Fatehnagar, Balanagar (M) Rangareddy District.

..... PETITIONER

AND

1 The State of A.P. rep. by its Chief Secretary, Govt. of A.P. Secretariat Buildings, Hyderabad.
2 The Secretary to Govt. Revenue Department, Govt. of A.P. Secretariat Buildings. Hyderabad.
3 Special Deputy Collector, Land Acqusition (Special) Office of the Dist. Collector, Hyderabad.
4 The Union of India, rep. by its Secretary for Railways, New Delhi.
5 The General Manager, South Central Railway, Secunderabad.
6 The Divisional Engineers, Construction.II, South Central Railway, Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction more in the nature of writ of mandamus declaring the action of the respondents herein in not finalising the acquisition proceedings and passing the award in determination of the market value for the land acquired bearing Sy.Nos. 40, 43, 44, 45/P, 139 and 140 situated at Fatehnagar, Balanagar (M) Rangareddy District and paying the compensation to the petitioner as bad, illegal and void and issue the necessary directions accordingly and be pleased to issue any other writ or order or direction as this Hon'ble court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.FAZAL YOUSUFFUDIN, Advocate.

Counsel for the Respondents No.1 to 3 : GP FOR LAND ACQUISITION.

Counsel for the Respondents No.4 to 6 : Gouri Shankar Sanghi (SC FOR RAILWAY)

The Court made the following :

ORDER :

This is one of the classic cases of high-handedness of the State and its authorities. The land was taken over forcibly by Indian Railways on 18.2.1987 without any acquisition proceedings, for the purpose of doubling the Railway line from Hyderabad to Telapur. From 1987 till date, the Revenue authorities were blaming the Railways and Railways were blaming the Revenue authorities with regard to payment of compensation. Because of the orders of this Court, it was possible to get a Notification under Section 4(1) of the Land Acquisition Act issued for the first time on 19.4.2004 although the land had been occupied on 18.02.1987 and it had also been utilized for the purposes of laying Railway line by the Railway authorities.

Depriving a person of his properties and not paying him compensation for almost two Decades, is a criminal act. Now, as the award has been passed on 15.7.2004, I do not think that any further orders are needed to be passed in this Writ Petition. Award also shows that there is some dispute between the claimants as regards the entitlement to compensation and the matter has now been referred to the Civil Court. If the petitioner has any other grievance, he can agitate the same before the Civil Court. The Civil Court is directed to dispose of the matter within a period of six months from the date of receipt of a copy of this order, as the claimants have not been able to

get compensation for the last two Decades. A copy of this order shall be sent to the Secretary, Railways, Government of India and also to the Chief Secretary to the State of Andhra Pradesh, who shall look into the matter and take appropriate action against the officials, who were responsible for such callous treatment to the persons who were deprived of their property. Costs of Rs.10,000/- (Ten thousand) to be shared equally by respondents Railways and the Revenue.

Writ Petition is accordingly disposed of. No costs.

16th July, 2004.

ajr.

To

1 The Chief Secretary, Govt. of A.P. Secretariat Buildings, Hyderabad.
2 The Secretary to Government of A.P., Revenue Department, Secretariat

Buildings. Hyderabad.
3 The Special Deputy Collector, Land Acqusition (Special) Office of the Dist.

Collector, Hyderabad.
4 The Secretary for Railways, Government of India, New Delhi.
5 The General Manager, South Central Railway, Secunderabad.
6 The Divisional Engineers, Construction.II, South Central Railway,

Secunderabad.

7 Two C.Cs. to the G.P. for Land Acquisition, High Court of A.P.,

Hyderabad (O.U.T).

8 Two C.D. copies.